

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6784 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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PATEL MUKESHKUMAR SOMABHAI

Versus

STATE OF GUJARAT  
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Appearance:

MR VM DHOTRE for Petitioner  
MR MA PATEL, AGP for Respondent No. 1  
NOTICE SERVED for Respondent No. 3, 4, 5  
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CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 16/02/2001

ORAL JUDGEMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for a writ of mandamus or any other appropriate writ, order or

direction in the like nature directing the respondents to appoint the petitioner on any suitable post under respondent no.5 School on the compassionate ground vice his deceased father Patel Somabhai Amtharam immediately and has also prayed other consequential reliefs. It is contended by the petitioner that respondent nos. 4 & 5 be directed to consider the letters and written representations dated 2.6.1991, 2.8.1991 and 30.7.1992.

2. When this petition was preferred, simultaneously the petitioner had also prayed for interim relief and, therefore, this court was inclined to issue notice vide order dated 28.9.1992. Petition was admitted and Rule was issued by this Court vide order dated 23.4.1993 and at that time again notice as to interim relief was ordered to be issued and the same was made returnable on 7.7.1993. Till March-1994, no interim relief was granted to the petitioner. On 2.3.1994, this court (Coram: N.J.Pandya, J) passed an order wherein it is observed that the case of the petitioner being a case of getting an appointment on compassionate ground, petition should be heard and decided finally and therefore, final hearing was fixed on 28.3.1994.

3. Since the above date, it seems that the petitioner has not tried to pursue the matter seriously before this Court. When this matter was listed again for final hearing in the month of October-2000, nobody appeared for the petitioner and by recording the absence, matter was adjourned to 10.11.2000 and again matter came to be adjourned on 24.11.2000. Since then this matter was listed for final hearing on number of occasions. Today also, when this matter was called out, none appeared for the petitioner.

4. Considering the averments made in the petition and the fact that the petitioner had prayed to get an appointment on compassionate ground in the year 1992 and in view of the facts stated above, it appears that by now the petitioner must have lost interest in such appointment. Under the circumstances, I am inclined to dismiss this petition with a liberty to the petitioner to revive the same in case of extreme difficulty.

5. For the reasons aforesaid, petition is dismissed with a liberty to the petitioner to revive the same by pleading extreme difficulties. Rule is discharged accordingly. No costs.

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